

1 ERNEST GALVAN – 196065
2 BLAKE THOMPSON – 255600
3 ROSEN BIEN GALVAN & GRUNFELD LLP
315 Montgomery Street, Tenth Floor
3 San Francisco, California 94104-1823
4 Telephone: (415) 433-6830
4 Facsimile: (415) 433-7104
5 Email: egalvan@rbgg.com
5 bthompson@rbgg.com

6 BRIAN A. VOGEL – 167413
7 THE LAW OFFICES OF BRIAN A. VOGEL, PC
770 County Square Drive, Suite 104
8 Ventura, California 93003
8 Telephone: (805) 654-0400
9 Facsimile: (805) 654-0326
9 Email: brian@bvogel.com

10 LANCE WEBER – Fla. Bar No. 104550*
HUMAN RIGHTS DEFENSE CENTER
11 P.O. Box 1151
Lake Worth, Florida 33460
12 Telephone: (561) 360-2523
Facsimile: (866) 735-7136
13 Email: lweber@humanrightsdefensecenter.org

14 | * *Pro Hac Vice* Application To Be Filed

15 | Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

18 | PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER.

Plaintiff.

20

21 COUNTY OF VENTURA; GEOFF DEAN,
22 GARY PENTIS, LINDA OKSNER, and
23 RICK BARRIOS, in their individual and
official capacities, DOES 1-10, in their
individual and official capacities.

Defendants.

Case No. cv-14-0773-GHK (EX)

**DECLARATION OF STEVE C.
MARSHALL IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Date: March 17, 2014
Time: 9:30 a.m.
Dept.: 650
Judge: Hon. George H. King

1 I, Steve C. Marshall, declare:

2 1. I am an attorney admitted to practice law in the State Courts of the
3 State of California. Brian A. Vogel, the counsel of record for the plaintiff in this
4 case, employs me to assist in this case. I have personal knowledge of the matters set
5 forth herein, and if called as a witness I could competently so testify. I make this
6 declaration in support of Plaintiff's Motion for Preliminary Injunction.

7 2. On January 21, 2014, I spoke with three inmates at the Ventura County
8 Jail, Todd Road Facility in Santa Paula, CA: Jose Contreras, booking no. 1286672;
9 Ramon Leyva, booking no. 1305597; and Eric Rapacz; booking no. 1275937.

10 3. I showed Mr. Contreras a copy of the envelope from the information
11 packet that PLN tried to send to Mr. Contreras but which was returned to PLN
12 marked "Return to Sender – Postcards Only – No Envelopes." Mr. Contreras told
13 me that he did not receive a copy of the Detainee/Inmate Return Notice from
14 Ventura County Jail regarding this piece of mail.

15 4. I asked Mr. Contreras if he has witnessed any inmates at Todd Road
16 Jail receiving magazines which contained advertisements or pictures considered
17 "sexually suggestive." He said yes, he has seen inmates receive "Men's Fitness"
18 and "Men's Health."

19 5. I showed Mr. Leyva a copy of the envelope from the information
20 packet that PLN tried to send to Mr. Leyva but which was returned to PLN marked
21 "Return to Sender – Postcards Only – No Envelopes." Mr. Leyva told me that he
22 did not receive a copy of the Detainee/Inmate Return Notice from Ventura County
23 Jail regarding this piece of mail.

24 6. I asked Mr. Leyva if he has witnessed any inmates at Todd Road Jail
25 receiving magazines which contained advertisements or pictures considered
26 "sexually suggestive." He said yes, he has seen inmates receive "Men's Health" and
27 "Rolling Stone."

28

1 7. I showed Mr. Rapacz a copy of the envelope from the information
2 packet that PLN tried to send to Mr. Contreras but which was returned to PLN
3 marked "Return to Sender – Postcards Only – No Envelopes." Mr. Rapacz told me
4 that he did not receive a copy of the Detainee/Inmate Return Notice from Ventura
5 County Jail regarding this piece of mail.

6 8. I asked Mr. Rapacz if he has witnessed any inmates at Todd Road Jail
7 receiving magazines which contained advertisements or pictures considered
8 "sexually suggestive." He said yes, he himself subscribes to "Men's Fitness" and
9 his subscription is sent to the jail. He also knows of other inmates at the Todd Road
10 Facility who subscribe to "Men's Fitness."

11 I declare under penalty of perjury under the laws of the United States and the
12 State of California that the foregoing is true and correct, and that this declaration is
13 executed at Ventura, California this 4th day of February 2014.

Steve Marshall
Steve C. Marshall